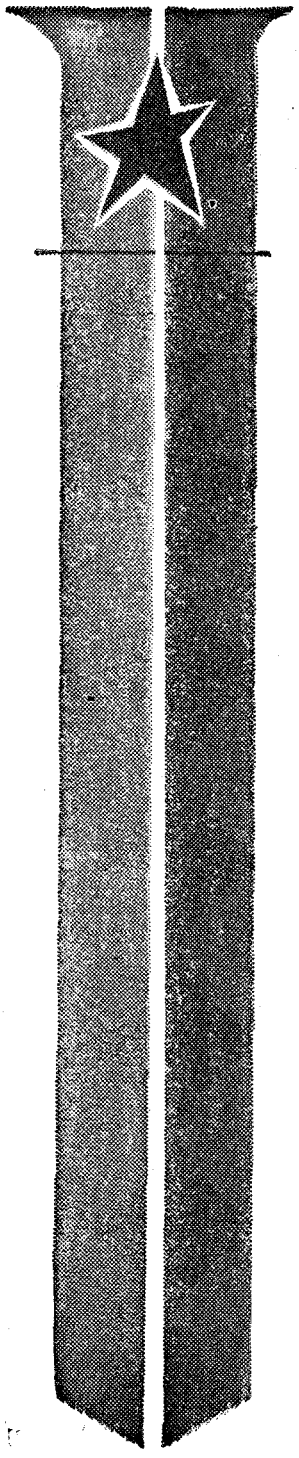
THE NATION

July 13, 1963 . . 35c



Review and Forecast

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James Desmond

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LETTERS

A century in Carthage

San Antonio, Tex.

Dear Sirs: Mr. Fred Cook ["The Corrupt Society," *The Nation*, June 1-8] feels that the ". . . traditional American ethic—essentially, the Protestant ethic—is dying with the society which gave it birth. . . ." Alexis de Tocqueville, writing in 1831, observed:

When one considers the chastity of their morals, the simplicity of their manners, their habits of work and the religious and settled spirit which prevails in the United States, one is tempted to believe that the Americans are a virtuous people; but when one considers the commercial fervour which seems to devour the whole of society, the thirst for gain, the respect for money and the bad faith in business which appears on every side, one is soon led to think that this pretended virtue is only the absence of certain vices, and if the number of human passions seems restricted here, it is because they have all been absorbed in just one: the love of wealth.

The demonstration that a condition existed in the past does not lessen the probability that it exists in the present, but if America possesses the mores of a Carthage, it is hardly a recent acquisition. . . . *G. L. Rowsey*

Undue punishment

New York City

Dear Sirs: I am an American writer married to a Filipina, Celia Mariano Pomeroy. We were married in 1948, in the Philippines. My wife, Celia, is a teacher. Both of us became involved with the Philippine Huks, an anti-colonial national liberation movement. The Huks were suppressed, civil war followed, and . . . we were captured in 1952 by government troops.

Both of us were sentenced to life imprisonment for rebellion and served ten years in prison before being released through pardon in December, 1961. But we were still denied the privilege of being together; I was deported at once from the Philippines and my wife was forbidden to accompany me. . . .

All efforts have been made by us to obtain my wife's entry into the United States, but she is barred by provisions of the Walter-McCarran Immigration Act. The American government refuses to waive those provisions to permit our reunion. Our only alternative is to go to a third country to live. . . .

Six months ago my wife applied for a Philippine passport to join me abroad. Her application has been frozen, and recently the Foreign Affairs Office has indicated that it will be denied. Such a denial would have neither legal nor moral grounds; it is a policy of continuing a punishment long after a penalty has been paid.

The Philippine President has the power to approve a passport for my wife. If he received enough letters urging him to do so, I have confidence that he would realize the wisdom of being humane. I ask you to write such a letter (or even to enclose this, with your endorsement). Airmail is preferable. His address:

President Diosdado Macapagal, Malacanang, Manila, Philippines.

William J. Pomeroy

Censors at Yale

New Haven, Conn.

Dear Sirs: With regard to your cogent article, "Banning the Campus Speaker" [March 30] it may be of interest to readers of *The Nation* to know that Yale has recently fallen from grace. On May 24, permission for V. T. Lee of the Fair Play for Cuba Committee to speak at the university was withdrawn. This occurred the day after Lee appeared before the HUAC and was questioned regarding his scheduled speech at Yale. . . .

Paul B. Huber

Mental illness

New York City

Dear Sirs: In his article, "New Frontiers for Mental Health" [May 18 issue] Professor Loeb takes a stand against the inertia which blocks the emergence of new thought. His remarks about treatment are particularly cogent. . . . Professor Loeb shows, by implication, the necessity for the treating personnel to bring to the care of the mentally ill a sense of urgency.

I regret that the article failed to mention the need for implicit trust in the ability of the mentally ill to contribute to his treatment, and the need for respect of his wish, indeed, to recover. Such a position could do much to counteract the hitherto prevailing sense of futility regarding mental illness. I am referring to the theory which Professor Loeb rejects, namely, "That most mentally ill people in mental hospitals will be there for a long time—many even for a lifetime." *Albert Bryt, M.D.*

Correction

Brewster, N.Y.

Dear Sirs: My review of Dr. Price's *Little Science, Big Science* in the July 6 issue contains the statement: ". . . the number of living scientists must be almost equal to all the scientists that have lived and died since there was such a thing as science." "And died" is an error. Actually, 80 to 90 per cent of all the scientists that have lived are still alive; consequently, dead scientists cannot exceed 20 per cent of the total. *Carl Dreher*

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Importance of Being Earnest

In politics, as in life, there is an importance in being earnest—or at least seeming so. On the latter point we can give President Kennedy the benefit of the doubt: his eloquence in assuring Europe in general, and the Germans in particular, that we stand ready to sacrifice our cities in the common defense was probably unfeigned. But it will take more than eloquence to patch up the Grand Alliance from which grandeur has fled. One indication of the magnitude of the task is General de Gaulle's withdrawal of what remained of the French fleet under NATO command. This action, timed to coincide with Mr. Kennedy's trip, borders on the contemptuous, and confirms earlier evidence that General de Gaulle is willing to dismantle NATO. And the General does not readily change his mind.

But it is not merely de Gaulle that the President is bucking in trying to salvage the alliance. If he wishes to weigh the forces of history arrayed against him, Mr. Kennedy has only to consider the following:

1. A united Europe is meaningless as long as the East-West division endures. Eastern Europe was always part of Europe and still is. De Gaulle, with a sense of history which far transcends that of Kennedy and his entourage, has consistently and correctly said that even the USSR is part of Europe—a thesis to which the current Sino-Soviet quarrel lends support. Sooner or later the integrated European concept was bound to undermine the cold-war division of the Continent.

2. As long as East and West Europe were war-ravaged and impotent, the two major opponents in the cold war could mobilize and manage their respective alliances reasonably well; they had the resources and the military power. But as East and West have recovered, both camps have tended toward "polycentrism." De Gaulle, after all, is no more of a thorn in Kennedy's side than Tito was in Stalin's. A recalcitrant power does not even need to be big to make a nuisance of itself—look at Albania.

3. With relative prosperity and well-being, two factors emerged. The first is the desire for more prosperity and a still higher living standard; the other, acute competition and the urgent need of larger trade units. In Western Europe, everyone ostensibly hates the Russians—and everyone (except possibly Spain and Portugal) is trading or wants to trade with them. The British are trading, the West Germans are trading on a large scale and want it to be even larger, and by all indications the French will soon reveal a similar urge.

Presumably, Mr. Kennedy is aware of all this, or what was the purpose of his American University speech, on which Chancellor Adenauer read him a lecture that was none the less insolent because the censure was diplomatically disguised? The cold war has been Adenauer's stock in trade, and he will never part with it. (See article by Heinz Abosch, page 28.) But he will not be around long, and Mr. Kennedy has now paid his respects to the old man.

Yet Adenauer's successor might also see opportunities, pro tem, in playing the United States against the Soviet Union. Hence the talk of what amounts to a Bonn-Washington axis, implemented with such harebrained schemes as a surface fleet of multinational Polaris ships, piratically disguised as merchant vessels, to preoccupy the Soviet submarine fleet. What Mr. Kennedy must reckon with, however, is the fact that the West cannot give the Germans what they want—reunification—and the Soviets can. At a price, of course, but there is incentive for the Soviets, too, what with their failure to achieve their industrial goals in East Germany. Strategically, then, Mr. Kennedy's task is to hold NATO together for bargaining purposes, and to carry out the *détente* suggested in his American University speech when the time is ripe. Such are the political realities behind the parades, the popular enthusiasm and the earnest willingness to immolate urban America.

SUMMER SCHEDULE

After this issue, and through August, *The Nation* will appear on alternate weeks only: July 27, Aug. 10 and Aug. 24.

Civil Rights and the GOP

Now is the time for all good men to come to the aid of the Republican Party — faced with one of the gravest crises in its history. The President's civil rights program may not be an ideal package, but in this imperfect world it constitutes a sound beginning, and its early enactment is dictated by obvious and compelling considerations, both national and international. Briefly and simply, the nation's honor is at stake.

Nevertheless, there are disturbing indications that the Republican leadership in Congress — notably Messrs. Dirksen, Halleck and Goldwater — is determined to sabotage the program. Their reasoning is revolting but clear: the Negro cannot be wooed away from the Democratic Party; Barry Goldwater can carry most of the Southern states; many Far Western and Middle Western states, which have few Negro voters, are lukewarm on civil rights; the Negro's drive for equality now is creating concern and tension in Northern communities, particularly in the predominantly "white" suburbs.

But these assumptions may prove to be fallacious

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as well as base. Fortunately, the non-Congressional or national leadership of the GOP takes quite a different view of the party's responsibilities. Governors Rockefeller, Romney, Hatfield and Scranton will have nothing to do with this disgusting attempt to convert the party of Abraham Lincoln into the party of white supremacy. Governor Rockefeller, in particular, merits high commendation for his forthright endorsement of the President's program. And in the end, a majority of Republicans, and many Southern Democrats as well, may find they do not relish the low appraisal of their intelligence and idealism, their morality and patriotism, implicit in the "pitch" of Messrs. Dirksen, Halleck and Goldwater. But if the party is tagged with responsibility for the defeat of the President's program in Congress, the danger is not so much that Goldwater will win the nomination as it is that no candidate other than Goldwater would want it.

South Africa and the UN

What to do about the Union of South Africa looms, after the Congo, as the UN's most perplexing problem. The Africans, at their conference in Addis Ababa, made their intentions plain. They wish to isolate South Africa—Portugal as well—and to align world opinion on their side. In particular, they are prepared to put the United States and Britain on the spot, together with any other Western power that is reluctant to take a stand. Britain and the United States both have large investments in South Africa. Britain has the additional liability of three protectorates bordering on South Africa and tied to it commercially. The African leaders are trying to line up Britain and the United States behind an economic boycott of South Africa, as the only alternative to more forceful action.

Past efforts to curb the wicked apartheid policies of the Verwoerd regime have been unavailing. More than two dozen deprecatory UN resolutions have been duly passed, and the situation approached the ludicrous some time ago. Now it is reaching a critical stage. As in the United States, if nonviolent methods fail to work, the leaders committed to such methods will find themselves in an untenable position. In politics, impotence is worse than evil: it inspires contempt, and for contempt there is no remedy.

David Morse, director general of the International Labor Organization and a former U.S. Under Secretary of Labor, has drafted a resolution which would bar South Africa from the Labor Organization's day-to-day operations. South Africa cannot be expelled from the Labor Organization as long as it remains a member of the UN. Such a step would, however, be a preliminary to expulsion from the UN itself.

The initial impulse of foes of a tyranny as loathsome as the one the Afrikaners have imposed on South Africa is to support expulsion. But that action may not be wise at this time. South Africa, like every other tyranny, has its vulnerabilities. The people who should be heard from, and who should have a voice in the UN decision, are the opponents of the Verwoerd dictatorship in South Africa. The Africans, of course, are almost completely suppressed, but the white opposition is by no means negligible. Helen G. Suzman is the only member of the Progressive Party in Parliament. According to Robert Conley, writing from Johannesburg in *The New York Times*, the Afrikaner party regards her as "the voice of the West" and looks to her for an indication of what the world's reaction will be to the next contemplated atrocity. Mrs. Suzman pressed Balthazar J. Vorster, the so-called minister of justice, for figures on the number of persons in jail. The minister replied that the information could not be furnished, then he furnished it. According to his figures, 67,636, mostly Africans, are in jail, and 10,760 are awaiting trial. One out of every 236 Africans is already imprisoned, and the proportion will no doubt continue to mount.

The Afrikaner policies are insane, but the Afrikaners are not. If they are not very susceptible to pressure now, they may be shortly. If all Africa unites against it—this is the prospect which animates much of the internal opposition—South Africa may need the UN desperately, and as the day of doom approaches even the Afrikaners may come to realize that they must give way. If they are still in the UN at that juncture, it may be easier to deal with them.

No More Free Smokes

Ordinarily *The Nation* is sympathetic with those who lose their jobs to the scientific revolution; but it has no tears to shed for the campus cigarette pushers who will now have to find other ways of making pocket money because colleges can no longer ignore the scientific evidence that cigarette smoking is detrimental to health. The manufacturers have yielded at their most vulnerable point—advertising in campus publications—which *The Nation* has been decrying for years.

American Tobacco made a virtue of necessity. Its policy, it declared, had *always* been that cigarette smoking was for adults, and now American was taking "special pains" to emphasize this policy. Actually, the growth of cigarette consumption was largely premised on the companies' getting their hooks into the kids early, through campus publications, give-aways, ingenious promotions, student solicitors, and almost every method short of forcing the students to smoke. Furthermore, the industry has begun to stop this early poisoning of the population for only one reason: it had to. The American Cancer Society and the Public Health Service have been harassing it, the Canadian and British medical societies are on record, and it was only a question of time before even the A.M.A. would crack down.

The one victim of this long-delayed reform for which one need feel any solicitude is the campus press, that has been dependent to the extent of 40 per cent of its revenues on the tobacco industry. It doesn't cost much to publish a campus paper, but it does cost something,

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and money is scarce for such ventures. At the same time, the campus press is a vital factor in American journalism, not only in preparing its personnel for later jobs, but for the abuses it uncovers and the training it gives students in resisting the unjust exercise of authority. Enlightened college administrations, and alumni associations, should be concerned about this problem.

Sabbaticals for Labor

By all odds the most interesting feature of the agreement between the United Steelworkers and the steel companies is the provision that would give a three-month vacation with pay every five years to all hourly paid workers. About half the present work force is eligible for such vacations right now, and Steelworkers president David J. McDonald estimates that it will add at least 20,000 jobs in the basic steel industry. If the plan is extended, it could ameliorate, though not solve, the unemployment problem.

McDonald got the idea on a trip to Australia in the mid-fifties. Industrial sabbaticals are nothing new there. British immigrants fought for, and won, extended vacations every five years for visits to England. Another type of sabbatical had a similar colonial origin. When the Dutch held Indonesia, the personnel of wireless stations in the islands served ten years, then received a one-year sabbatical in the Netherlands; served another ten years—and were retired on pension for life.

The sabbatical, a middle-class idea, has appropriately enough been borrowed by labor, which is becoming more middle class all the time. Workers need to be "refreshed" just as much as do tired professors—perhaps they need it more. And there is no reason why sabbaticals should be limited to three months. Schoolteachers in New York get a year to themselves for every seven years of work, and that seems like a minimal ratio. Beyond a year, a worker might tend to lose his skills; but given a year, he might return with renewed zest for work. Under present conditions, many employees, except for short intervals, are on the treadmill until they retire to die. And unlike many of the ideas which are being proposed to deal with unemployment, this one makes practical sense.

Not So Equal

On June 19, the House voted to supend for the 1964 Presidential and Vice Presidential elections Section 315 of the Federal Communications Act, which provides that if any candidate for political office receives broadcast time, his opponents must receive equal time.

The Kennedy-Nixon debates of 1960 were held under a similar suspension of Section 315. That earlier bill, however, waived the equal time provision only for Presidential debates; the new bill suspends it entirely, leaving to the discretion of the broadcasting industry which candidates will be heard.

Congressman Ryan (D., N.Y.) offered an amendment which would have by-passed Section 315 only under the conditions of 1960, but it was rejected on the ground that it would help third parties. The 126 votes against this pro-network, anti-democratic bill were cast by a curious coalition of those who care about the open exchange of ideas: liberals, Southerners and extreme conservatives.

Rockefeller's Cool Campaign . . James Desmond

Can Nelson Rockefeller surmount the criticism about his remarriage and go on to win the Republican nomination for President next year? The question seems to be bothering everybody but Nelson Rockefeller. While acknowledging that his remarriage will be "one factor" in his final decision, Rockefeller has been demonstrating recently by words and action that he considers himself very much a contender and that he has no intention of withdrawing prematurely as he did in 1959.

The Rockefeller position, as conveyed by those around him, is that his drop in the national polls immediately after his marriage on May 4 to the former Mrs. Margaretta Fitler Murphy was transitory, triggered by the outbursts of indignation from some members of the clergy and certain not entirely disinterested politicians — none of whom, it should be noted, will be in a position to exert significant power in the Republican convention. Furthermore, he rejects as invalid the moral strictures laid upon him by his critics. As an honorable man, he feels he has acted honorably. He is confident that when the excitement dies away, the critics of his morals will find themselves isolated. Certainly, the millions of divorced Americans who have remarried will ignore the strictures.

Put in these political terms, the assessment seems almost cold-blooded; actually it is rather the reverse. Those who have talked to Rockefeller since he began presenting his new wife as the First Lady of the State see a deep conviction in the Governor that his bride will take her place at his side, normally and graciously, once the immediate excitement has lost its novelty. A number of commentators have noted that she could prove a definite asset when Rockefeller again presents himself to the people.

That he will so present himself —possibly in the Presidential primaries which open with the New Hampshire contest on March 10—now seems definite. He has invested too much time in building his power in the last several years to throw

James Desmond, a political writer for the New York Daily News, *has just completed a political biography of Nelson Rockefeller, to be published by Macmillan early next year.*

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it all away without seeking at least a test of strength. And when he seeks a test he will involve others who would have every right to demand a follow-through.

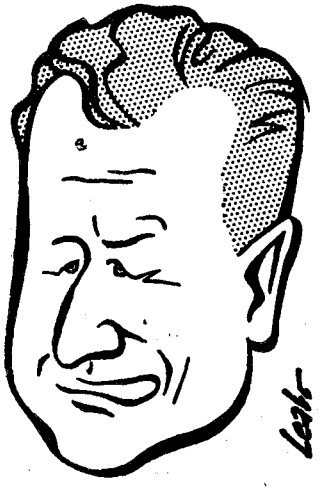
This is not to say that Rockefeller will necessarily take the primary route when he makes his move. As recently as April there were those around him who argued that his position was so overwhelming that he could skip the primaries and wait for the party to come to him. Right now, of course, such thinking is being reappraised. The decision won't be a hasty one. Rockefeller had plenty of reason in the first six months of 1960 to regret his December, 1959, resignation of Presidential ambitions and he will not repeat that mistake. Moreover, as Nelson Rockefeller he doesn't need time for a build-up.

Given time, the Rockefeller strategists feel, public opinion will swing back in his favor. This has shaped the actions of George L. Hinman, New York's national committeeman, who works out of Rockefeller Center in tandem with Tom Stephens, once of Eisenhower's secretariat. Hinman, in charge of the national Rockefeller effort, has been counseling patience to supporters disturbed by the apparent surge of sentiment for Senator Barry Goldwater since Rockefeller slipped in the Gallup poll. At the recent meeting of the National Republican Committee in Denver, for example, Hinman quietly encouraged the forming of "holding" blocs in the Western states, forbearing to put forward any claims for Rockefeller.

Up to now the strategy seems to be working. The announcement by Governor William Scranton of Pennsylvania that he will go to the convention as a favorite son, and the movement in Denver to promote Senator Gordon L. Allott of Colorado in a similar role, indicate the professional politicians feel that the safest place for the next several months will be the sidelines. The Rockefeller people expect more favorite sons to emerge.

Rockefeller and those around him believe that the Goldwater boom, regardless of the Senator's sentimental appeal to the more conservative Republicans, has failed to get off the ground. The Senator is attracting headlines and fervent cheers, but in the big industrial states, where the convention power lies, his appeal hasn't swung a single important leader to his camp.

Indeed, some Rockefeller people doubt that the Goldwater sentiment is as all-pervading as his publicity would make it appear. They note that last year, in a test of strength of sorts, the Conservative Party in New York (which claimed Goldwater as a spiritual godfather, al-



though he carefully stayed aloof) ran up only 140,000 votes against Rockefeller, who won by 529,000. Considering that Rockefeller's handicaps in 1962 included his recent divorce (in March), lingering resentment over the tax rises he imposed in his first year, strong New Frontier pressure, and a certain disarray in the state organization, the Conservative achievement was not particularly impressive as an indicator of right-wing power. Incidentally, Rockefeller moved personally to stop a Republican effort to knock the Conservatives off the ballot (a legal maneuver that might have succeeded) in order to challenge the right wing under combat conditions.

Although the identifiable reason for Rockefeller's falling behind Goldwater in the Gallup poll was his remarriage, there has been an increasing disposition in some quarters to depreciate his performance as Governor. The downgrading has concentrated on three things: first, the scandals in the State Liquor Authority, which elicited national attention because of the $50,000 bribe allegedly paid by the Playboy Club to get a liquor license; second, Rockefeller's ill-advised attempt to disguise a tax rise last winter that brought on a legislative revolt, and, third, the feuding that broke out in the Republican Party when State Chairman L. Judson Morhouse resigned just before being called before the grand jury in the liquor inquiry.

These are strictly local matters, of the sort that traditionally don't mean much once you cross the state line; but it is a measure of Rockefeller's determination to put his house in order that he has tackled them vigorously. There is little he can do about the liquor-license scandals, but he has fired state officials who refused to cooperate with the inquiry and has gone so far as to call for a judicial trial looking toward dismissal of a judge, appointed by him, who refused to testify. On taxes, he has already promised that, so far as can be foreseen at this point, there won't be any tax rise next year. And, with his new chairman, Fred A. Young, plucked from the Court of Claims bench to reorganize the GOP, he is strenuously trying to end the party strife.

What makes these routine political exercises important in this instance is that Rockefeller is devoting himself almost exclusively to them. Although he receives thirty or more speaking invitations every day from all over the country—and the number has held steady despite his drop in the polls—he has remained at home base. His only important out-of-state date this month, for example, will be the Governors' Conference, July 21-24, at Miami Beach, where the new Mrs. Rockefeller will make her bow on the national scene.

But like all prudent Presidential hopefuls, he will manage a trip to Europe before the year is out. His present plans are to fly to Brussels about the end of September to open a New York Commerce Department office there. He will probably tour around after that, but the itinerary hasn't been set.

So much for Rockefeller's "availability" and present prospects. One other point should be made. Rockefeller, unlike many political observers and including some highly placed Republicans, is convinced that President Kennedy can be beaten next year if the challenge is made with a strong candidate and on the proper grounds. But the

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proper grounds, as he sees the problem, involve further broadening of the party along the lines laid down in the 1960 Republican platform. That platform, it will be remembered, was forced down the throats of the reluctant convention delegates after Vice President Nixon joined forces with Rockefeller to avoid a bitter floor fight, and accepted, almost without change, the Rockefeller program. In 1964, Rockefeller believes, the Republican Party must be even bolder, particularly on civil rights and foreign affairs, or risk a shattering defeat that could keep it out of power for years.

Under the circumstances, he can hardly do less than go all-out for the nomination.

Religious Freedom

The Court Expands a Concept .. Thomas G. Sanders

The long-awaited Supreme Court decision on required Bible reading and recitation of the Lord's Prayer in public schools is a significant affirmation of minority rights in a religiously pluralistic society. In declaring unconstitutional state laws that prescribed these religious practices, the Court has responded to the realities of American society in the mid-twentieth century, though its discussion of establishment of religion bears only remotely on the concept set forth in the First Amendment. Nevertheless, the willingness of a civil liberatarian Court to discern more in the Constitution than the men who wrote it ever envisioned may well put the recent cases, along with *Engel* v. *Vitale* (outlawing the New York regents' prayer), on a parallel with the milestone in civil rights achieved when the "separate but equal" doctrine fell before the recognition that separation in itself constitutes a form of inequality. Society benefits from decisions based on a combination of sensitivity to minority rights and an awareness of social change, even if the legal reasoning may seem somewhat tenuous.

Confusion about our system of church-state relations springs in large part from the popularity of the slogan, "the wall of separation between church and state," first articulated in Thomas Jefferson's famous letter to the Baptists of Danbury, Connecticut. Under the banner of "the wall of separation" an anomalous alliance of Protestant evangelicals and anti-clerical liberals has thoroughly muddled our understanding of American church-state relations by waging war on those whose interests lay in maintaining or extending the obvious and numerous "breaches" in the wall. Defenders of the wall range in sophistication from Justices of the Supreme Court, who have used the phrase several times in their decisions, to paranoiacs who find the phrase a convenient vehicle to criticize all public actions by Roman Catholics.

Although the separationists are surely rejoicing over *Abington Township* v. *Schempp*, which overruled a Pennsylvania statute requiring the reading without comment of ten verses from the Bible and the recitation of the Lord's Prayer, and *Murray* v. *Curlett*, a similar case from Maryland, they should not ascribe the results to self-evident derivations from the principle of the wall, but to the Court's recognition that preserving minority rights in a changing religious climate made these decisions necessary.

Technically, the Court argued on legal grounds, pointing to American tradition for support, but the results would certainly not have occurred in the nineteenth century. The Court has always tended to interpret the First Amendment in terms of the nation's religious sociology, reflecting the horror of respectable Christians at the practice of polygamy among the Mormons, or affirming that America was a "Christian nation," as Justice Brewer so piously and lengthily did in *Holy Trinity Church* v. *United States* (1892).

Although the United States has always harbored a variety of religious and non-religious beliefs, public awareness has moved from the assumption that we lived in a Protestant, to a Christian, to a religious society. The Court in the *Engel, Schempp* and *Murray* cases has now pointed this evolution to its logical conclusion: that along with citizens of religious conviction our society nourishes and respects its citizens who hold unconventional religious views or no religious views at all. Given the presence of the non-religious, one cannot speak meaningfully any more of America as a religious country. The breakdown of a once-Protestant culture into a genuinely pluralistic one is the dominant social reality in understanding our contemporary church-state furor.

Statisticians often point to the fact that only 5 to 10 per cent of Americans held formal church membership in 1790. Statistics do not, however, reveal the pervasive Protestant consciousness in American society at that time, for while most citizens had let lapse the indifferent church membership they had held in the "old country," they were accustomed to varied symbols of the Protestantism they had known in England, Scotland and Germany. The First Amendment to the Constitution forbade, to be sure, a national religious establishment, but the populace accepted without criticism manifestations of Protestantism in public institutions. Nearly everyone, for example, expected the public schools to include the Biblical tradition in its teaching and prayers to the Almighty. Consistent with the prevailing views, textbooks interpreted Protestantism as the beacon of enlightenment and freedom after the ignorance and horror of the "Dark Ages."

The torrential influx of Roman Catholic immigrants in the early nineteenth century first qualified this crypto-Protestant environment in a nation where church and state

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Thomas G. Sanders is assistant professor of religious studies, Brown University.

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were formally separated. It is ironic that Catholics, who almost unanimously criticized last year's regents' prayer decision, challenged the reading of the King James Version of the Bible in the courts of the nineteenth century and objected to the Protestant orientation of textbooks and instruction. Although the Protestant leaders of the school boards, often ministers, tried to accommodate to the Catholic complaints, they failed to sense the subtle indoctrination of their system. Horace Mann, who is usually regarded as a leader in "nonsectarian" education, preserved the Bible at the center of the curriculum, on the assumption that it should speak for itself without sectarian interpretation. Unfortunately, letting the Bible speak for itself was a prime principle of evangelical Protestantism in the early nineteenth century. The Catholics, who believed in reading the Bible in the light of the Church's teaching, ruefully withdrew wherever possible to preserve their religious integrity from the subtle inroads of the majority Protestant "consensus."

By the end of the nineteenth century public opinion had matured. Few people would defend the thesis that this was a Protestant country, but many would argue that we were a Christian nation. Catholics were now a part of the consensus, as they assumed a more significant status in professions and politics. The public statements of the great liberal prelates, Cardinal Gibbons and Archbishop Ireland, gave American Catholicism a degree of respectability. Strangely, even in this period those who held formal church membership were still a minority of the population, but domestic leaders and foreign visitors all commented on the broad Christianity that pervaded society and was symbolized on appropriate occasions.

Where were the Jews in this land of Christian consensus? The major immigration of Jews to America began after 1880 and increased until the spigot was almost closed by the restrictive laws of the early 1920s. Until recently few Jews had the status or interest to challenge the legal and customary view of American religious composition. In 1955, the Jewish theologian and sociologist, Will Herberg, published an influential and at the time, perceptive, book. Its title, *Protestant-Catholic-Jew,* pointed to one of Herberg's basic themes: that as a result of the postwar religious revival and the acceptance of religion as a good thing, Jews were now part of the American consensus. Surveys indicated the overwhelming tendency of Americans to identify themselves with one of the three religious traditions, Protestant, Catholic and Jewish. Moreover, the average American accepted the equality and integrity of his fellow citizens from the other broad religious traditions. The public consensus no longer looked on our nation as either Protestant or Christian, but as religious. The cold war had stimulated an assumption that God existed and a quest for assurance that he was on our side. People were joining churches and synagogues in significantly increasing numbers.

Many manifestations of the acceptability of the Protestant-Catholic-Jew concept sprang up. When Jews questioned Protestant or Christian symbols or ceremonies, compromise created a happy solution. Along with Christmas pageants, schools depicted the meaning of Hanukkah. The regents' prayer in New York illustrated this era of good feelings, for it sought to join under a common religious, if innocuous, aegis those who could affirm from different perspectives a belief in God as the source of morality and social providence. Reading the Bible in a devotional atmosphere represented an accommodation to the beliefs of all who accepted the Biblical tradition as normative. The Lord's Prayer, while manifestly Christian, contained no doctrines unacceptable to the three large religious traditions, unless one were a Biblical scholar and grasped the implications of "Thy kingdom come" and "Deliver us from the evil /one/."

The shock of religious spokesmen over the regents' prayer decision came from their unwillingness to face the fact that one thing was wrong with the Protestant-Catholic-Jew concept — it described a public assumption, not a genuine religious composition. Besides religious groups that do not fit into the scheme, such as Eastern Orthodox, Mormons and Jehovah's Witnesses, a small but vocal minority holds no religious beliefs at all. And in theory they are as good American citizens as the religious ones. The more subdued response in religious circles to the *Schempp* and *Murray* decisions indicates that religious leaders have reflected on social reality in light of their theological resources. The Presbyterian Church, U.S.A., and the general board of the National Council of Churches, as well as several prominent Roman Catholics, have supported the decisions and pointed to church and home rather than public institutions as the reservoir of religious faith and practice.

Justice Stewart, in his dissent to the *Schempp* and *Murray* cases, reflected a position widely held among religious people: "a refusal to permit religious exercises . . . is seen, not as the realization of state neutrality, but rather as the establishment of a religion of secularism." This subtle argument fails to recognize a distinction between the phenomenon of limited institutions and secularism as an ideology or counter-religion. The latter is not a stranger to the United States, for many "liberals" advocate with religious fervor the ultimacy of humanistic or democratic values, while striving to cripple the freedom to function of traditional, especially authoritarian and "dogmatic," religion. On the other hand, the limitation of public institutions to certain functions preserves both individual rights and social order. To eliminate religious practices from public schools merely affirms that, given the inescapable and insoluble religious and non-religious pluralism of American society, the school should limit itself to education and perhaps to moral training. It avoids statements about ultimate reality to maintain public peace.

Despite our contention that the fact of social change illuminates most adequately the *Engel*, *Schempp* and *Murray* decisions, the Court decided all three on the argument that the practice in question represented an establishment of religion. The Court has clarified the meaning of "establishment of religion" only in recent years. Justice Clark, in his opinion in *Schempp* and *Murray,* pointed to eight cases as precedents, all of which, it should be noted, have occurred since 1940. While we feel that the trend of these cases enhances minority rights, the view of

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establishment they reflect springs more from the civil libertarian impulses of the members of the Court than from the original intent of the framers of the First Amendment. In the earlier of these precedents, such as *Everson* v. *Board of Education* (1947), which upheld the transportation of pupils to religious schools, and *McCollum* v. *Board of Education* (1948), which overturned religious instruction in the public schools, a strange and strained interpretation of non-establishment was promulgated. But once decided, these cases were precedents. Justice Clark had a relatively simple task in his recent decision. He could cite ample precedents, but the men who formulated the First Amendment probably would have been surprised to see the outcome of their phrase about establishment.

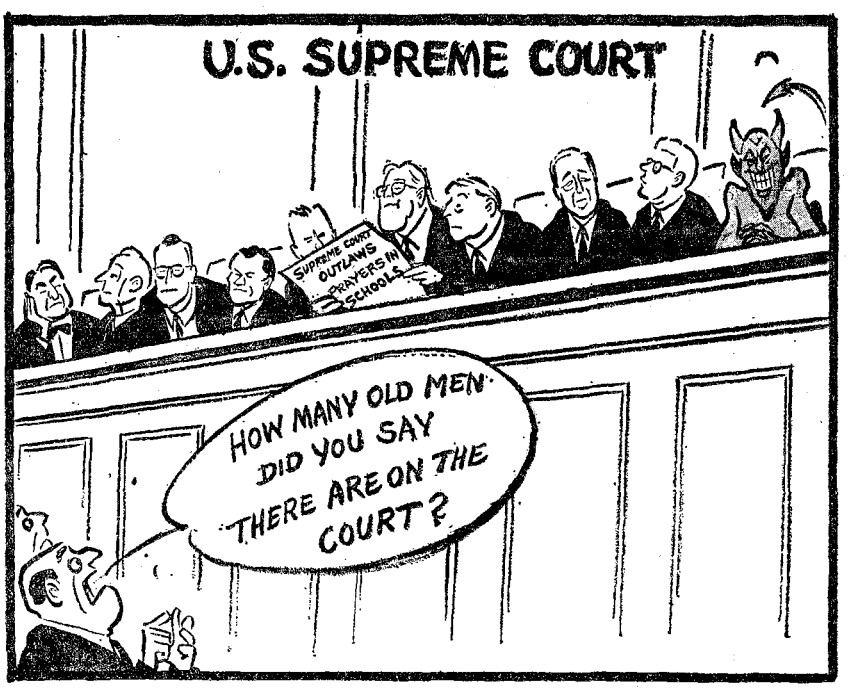
The original First Amendment barred the federal government from establishing a religion, solely in the sense of giving special privileges to a single denomination. It represented a response not only to those in Virginia who had disestablished the Anglican Church, but to those in Massachusetts who wanted to continue their Congregational establishment and feared that Congress would replace it with another denomination on the national level. The Amendment envisioned no relief for those who suffered under the existent state establishments which continued in Connecticut until 1818 and Massachusetts until 1833. The federal government in subsequent years scarcely hesitated to adopt prudent religious manifestations, from Sunday services in Congress led by eminent divines to federal payments for mission schools among the Indians.

In 1868, the Fourteenth Amendment, which intended to prevent the states from subjecting the newly freed slaves once again to servitude, was ratified. It held that no state could deprive any citizen of "life, liberty, or property without due process of law." After a long and tenuous evolution of Fourteenth Amendment theory, the Supreme Court concluded in 1940 that the Fourteenth Amendment's guarantee of life, liberty, or property placed upon the federal government a responsibility to protect all its citizens from abridgment by the states of their liberties described in the First Amendment, including free exercise of religion and non-establishment.

The Supreme Court has rendered many more church-state decisions since 1940 than it did in the previous century and a half, nearly all involving the First Amendment as applied to state and local statutes by the Fourteenth Amendment. Most of these decisions helped clarify the free exercise rather than the establishment clause and were closely related to concurrent judgments on freedom of speech. Religious groups did not react negatively to the decisions on free exercise of religion. They could see that the federal government served a valuable function for both religion and society when it prevented the states from penalizing, for example, Jehovah's Witnesses for proselytizing in their inconvenient and peculiar ways.

The implications of the establishment clause were not so clear. In 1947, however, Justice Black, writing in the *Everson* case, held that the establishment clause not only said the obvious, that neither state nor federal government could set up a church, but also that neither could pass laws which "aid one religion, aid all religions, or prefer one religion over another." At the time critics did not explore the prohibition of aid to "all religions" because they were concentrating their fire on the conclusion of the Court that bus transportation of parochial-school students did not violate the dictum Justice Black set forth. But religious groups reacted vocally to the *McCollum* case, which abrogated the voluntary system of religious instruction conducted by Protestants, Catholics and Jews in the public schools of Champaign, Illinois. Their argument, as it was offered in the sophisticated journal, *Christianity and Crisis*, edited by Reinhold Niebuhr and John C. Bennett, was that the *McCollum* decision departed from a long-standing tradition of accepting religion in public institutions and that the original establishment clause did not anticipate such a radical prohibition.

The Court's view of establishment, despite its untraditional character, interprets the word "religion" in a subtle and creative way that its critics have not grasped. In 1791, the word indubitably referred to a particular denomination among the many in the United States. And religious critics today still argue that general support of religious teaching or exercise acceptable to Protestants, Catholics and Jews does not support a particular religion as the First Amendment conceived it. Although this is true in an organizational sense, the Court



First published in the San Francisco Chronicle *with the following caption: ". . . This cartoon doesn't really express our sentiments . . . but it portrays, rather admirably, we think, the devil-concept of the Supreme Court that some other newspapers in our immediate area hold dear. . . ."*

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seems to have realized that religious beliefs are so diverse that the vague generalities of even the regents' prayer conflict with the views of people who deny the relation of God to morality and national well-being. More concretely, government support of generalized religion gives official sanction to a watered-down version of the Judaeo-Christian religion as over against Hinayana Buddhism, for example, which does not believe in a God, or against the "religion" of disbelief. Just as the Court's insight into the nature of racial equality expanded in a hundred years, its understanding of religion transcended denominational categories to a recognition that religion in general is after all *a* religion.

The more recent decisions have centered on the distinction between free exercise of religion and establishment. Critics of the decisions have argued that as long as pupils were excused from participation, as in New York, Pennsylvania and Maryland, they suffered no coercion and should not object to the religious practices of their classmates. Justice Stewart followed this position in his *Schempp* and *Murray* dissent, holding that religious practices become constitutionally invalid "only if they are proven to entail the use of the secular authority of government to coerce a preference among such beliefs."

Apart from his failure to see that even "nonsectarian" religion is a religion, Stewart disagrees with his colleagues' distinction between free exercise and non-establishment. Initially elaborated by Justice Black in *Engel*, this distinction, which captured the majority opinion of the Court in the recent cases, contends that the establishment clause is more all-embracing than free exercise of religion. The establishment clause forbids state and federal governments from supporting or sanctioning any religion, even where students suffer no restriction of their religious freedom. Free exercise takes no precedence over establishment. State and federal governments cannot abridge either. Justice Clark in *Schempp* and *Murray* reiterates Black's statement in *Engel* that the "establishment clause, unlike the free-exercise clause, does not depend upon any showing of direct governmental compulsion and is violated by the enactment of laws which establish an official religion whether these laws operate . . . to coerce non-observing individuals or not." To support any kind of religion results in "the hatred, disrespect, and even contempt of those who hold contrary beliefs." Since all pupils have equal rights, government exempts itself from the realm of ultimate convictions lest it imply that the views of a minority, whether religious or non-religious, are suspect or un-American.

Why does the Court not permit the major religious segment of society to symbolize its faith by ceremonies in public schools? Because the Bill of Rights obligates government to defend the rights of minorities. Here the axiom of democratic government that the majority rules breaks down, for the Court has little interest in the majority consensus. Even obnoxious minorities can challenge the tendency of the majority so to implement its religious faith through public institutions that it fosters an "establishment."

With *McCollum*, *Engel*, *Schempp* and *Murray* as almost indestructible precedents, our chief problem of the future will be the adjustment of conscientious religious people to the social virtues of these decisions. Most of them have responded to this challenge to God and ecclesiastical interest with outrage or worse, but our religious traditions possess the resources for a creative affirmation of the political equality of all religions and non-religions in American society.

While we shall continue to hear politicians talk of a constitutional amendment, and many communities will conduct religious exercises as before by subterfuge, the Court's position is actually far more true to the character of Protestantism, Catholicism and Judaism than the thoughtless and self-righteous damnation of the Court which the press has reported. In the first place, the insipid "public cult" bears almost no relation to the richness of our three majority traditions. In close agreement with the Old Testament prophets, a few contemporary religious spokesmen have correctly discerned the manipulation of religion for social and political purposes and denounced it for what it is — idolatry. Secondly, at their best, the religious traditions have abjured self-interest in favor of the oppressed. With effective leadership they may be able to see that religious ceremonies fostered the interests of the churches, but at an intolerable ethical price — the coercion and resentment of religious and non-religious minorities. Finally, the comments of religious spokesmen have exhibited a strange and pretentious view of the God they purport to worship. What kind of impotent God is it who must depend on some vapid ceremonies among indifferent pupils to keep himself in business?

THE ADENAUER YEARS · · · · · · Heinz Abosch

Bonn

Now at last, all uncertainty has ended: Konrad Adenauer will resign from office this fall. On April 24, a two-thirds majority of his own party in parliament voted against him and for Erhard. The brewing revolt had burst wide open. For the first time since the Christian Democratic Union (CDU) was founded, it had succeeded in asserting itself over Adenauer's dictates.

By the same token, the party's victory was the most grievous defeat in the Chancellor's career. He could have avoided it had he not displayed a stubbornness that, in Bismarck's day, would have been praised as the highest virtue of statesmanship. After the elections of September, 1961, he had pledged to resign within two years (he was then eighty-five, surely the oldest government chief in the world). But he gave no sign of keeping his word.

Adenauer's political path is strewn with broken promises; strangely, most of them helped,

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rather than hurt, his prestige. In the spring of 1959, he had also promised to resign, only to renege on the plea of the "seriousness of the situation"—his favorite phrase.

In the past four years, however, the radiance of the Adenauer myth has noticeably dimmed. People began to question his abilities and the correctness of his policy. Today even the most cautious observers feel that the Chancellor's time is up; he accomplished great things, they say, but now he must make room for the younger generation.

Adenauer is no master of subtleties. His rather narrow cultural background has not equipped him for complicated, analytical appraisals. From youth to old age he has chosen to see everything in simple blacks and whites. He places vast importance on his enormous will power, which, he believes, will by itself bring victory. This limited philosophy marks him as a typical product of the Kaiser's Germany. The blind battle he waged against his own party symbolizes his whole political attitude.

If Adenauer had kept his promise in 1959, he could have retired in a blaze of glory, with his myth unimpaired. But like a bad actor, he muffed his chance of making a good exit. His craving for power, which with growing age took on almost pathological traits, blinded him to political changes. Clinging to his will-power philosophy, he continued to believe in his ultimate triumph, and the increasing difficulties that beset him merely roused his pugnacity.

Adenauer's era is not without originality, the most remarkable feature being its long duration. For fourteen years, Cologne's former Lord Mayor has been in power, ruling virtually without a government crisis and with an authority envied by the statesmen of the democracies. This feat is even more outstanding when compared to the fourteen years of the Weimar Republic that were marked by countless Cabinet shake-ups and rebellions from the Right and the Left, culminating in its collapse.

The Bonn Republic has had nothing like that. It is marked by unshakable stability: no extra-parliamentary struggles for power, few strikes, no effective parliamentary opposition from the steadily weakening Social Democrats (SPD), who ended up accepting Adenauer's basic policy, though they vehemently fought it for years. The stability is further reflected in the present *Bundestag*, with only three parties, as compared to the first, when there were ten. Current attempts to eliminate the small Liberal Party by changing the electoral procedure are paving the way for a two-party system.

The men who worked out the Bonn constitution planned to create stable conditions that would avoid the Weimar chaos at all costs. Both the demagoguery of plebiscites and the great power of the state president were abolished. With more than 5 per cent of all votes required to qualify for parliamentary representation, aspiring new parties face a difficult hurdle at the outset. The constitution, which gave the chief of state considerable influence, suited Adenauer's taste, and he used it ruthlessly for expanding his own power.

Party leader and government chief in one person, he took personal advantage of the people's desire for peace and quiet after the war years. He refused to accept the Social Democrats as partners, and would not even debate with them. He slandered them as "unpatriotic" and contaminated by Bolshevism. Undermining the development of democratic thought, he used existing authoritarian sentiments for his own role of rising "savior." He wanted to save Germany and protect the people from the external and internal "Red danger." The alliance with the Western powers, economic prosperity—all this was Adenauer's doing.

Subsequent elections degenerated into popular decisions for or against him—he was the only issue. His thinking was always geared to crass oversimplifications. A vote for him was happiness, Christianity, decency, God—and Mammon. He rashly accused the SPD of furthering "Germany's destruction." Thus he developed into a kind of Hindenburg in mufti, who tried as best he could to restore the old Germany. In spite of his initial Socialist proclamations, he promoted capitalism; in spite of his pacifist statements, he carried out rearmament; in spite of his condemnation of the Nazis, he permitted their

rehabilitation, at least in part, and turned Globke, the official commentator on the Nuremberg laws, into his most intimate collaborator.

His success was based on his consistent drive for an alliance with the West, particularly with the largest power, the United States. As far back as 1945, Adenauer understood that this was bourgeois Germany's only chance. He expected an early Western break with the Soviet Union, and as Chancellor he tried first and foremost to deepen the breach. In the past fourteen years, his worst nightmare has been an understanding between East and West. His triumph was solely due to this split: the Federal Republic was born, grew in strength, became allied to NATO, and was rearmed as the Western bulwark against the East. As the cold war intensified—particularly during the Korean crisis—he could reap further benefits.

All this fortified Adenauer's position vis-à-vis Schumacher, the Social Democrat leader, who constantly reproached him for "selling out" without a tangible *quid pro quo*. This was demonstrably untrue and became one of the reasons why the SPD, just as Western-oriented, eventually adopted the government's foreign policy. Notwithstanding the vehement criticism hurled at him during his first years in office, nothing could turn Adenauer away from the West and its cold-war tendencies. Hence his close friendship with John Foster Dulles, which developed into a genuine political community of interests.

The Chancellor declared that "reunification in peace and freedom"

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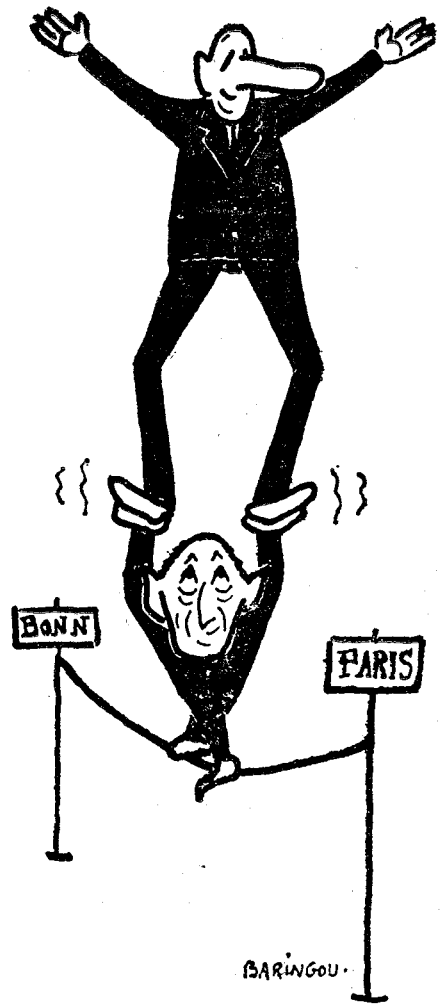
was his goal. This meant that a reunified Germany would be allied to the Western bloc. He categorically dismissed all proposals, at times emanating from Moscow, that might give Germany a neutral status. But an all-German alliance with the Western bloc was unacceptable to the Soviet Union for two reasons: it not only implied the destruction of the German Communist state, but also threatened Poland's new borders.

The fact that his goal, like a mirage, kept moving further and further away did not perturb the Chancellor. Time and again he stressed that "reunification in peace and freedom" was around the corner because West Germany was a member of the "greatest military alliance in history." But even though he continued to rely on sheer will power, the facts gradually began to speak their own language. The nuclear armament of both blocs destroyed the notion of military superiority of the one over the other. The only way Adenauer could reach his goal peacefully would be through capitulation by the Soviet Union predicated on military weakness. The weakness never developed. Instead, a "balance of terror" has been established, forcing both blocs into a *modus vivendi*. Thus the foundations of Adenauer's policy have been proved wrong; hence the decline of the Adenauer myth and the beginning of a political malaise.

The year 1961 registered further lack of confidence in the Chancellor. The Berlin crisis militated against him; it revealed that the West—whatever it might say—was devoted to the *status quo*. If anything, the Berlin Wall underscored the weakness of West Germany, which was forced to recognize the *fait accompli*. The population was greatly shaken. Adenauer's "policy of strength" had proved to be hollow, and no amount of solemn proclamations could delude the people about the continued existence of East Germany. The bill was presented in September of that year, one month after the wall was raised: the CDU lost the absolute majority it had won in 1957.

The failure of Adenauer's strategy with respect to the Soviet Union resulted in growing conflicts with the partners of the Western alliance. Since President Kennedy's



France Observateur

election, West Germany's relations with the United States have deteriorated. The Dulles honeymoon is over—a subject of melancholy reflection in Bonn. Adenauer had staked his money on Nixon, suspecting Kennedy of appeasement. To him, any policy that recognizes the *status quo* as an immutable law in this atomic age is odious because it endangers West Germany's only salvation—a revision of its Eastern border. Kennedy is suspected of being guided by political reality—an unforgivable lapse in the eyes of Bonn's leading politicians.

The conflict was deepened by West Germany's demands for atomic weapons of its own. In 1961-62, supported by Adenauer, Defense Minister Strauss never tired of asking for nuclear arms as a "symbol of national sovereignty." Following the *Spiegel* affair, which compromised both the Chancellor and his Minister, Strauss had to go. But the policy designed to give Germany atomic equality has remained. This is all the more distasteful to Washington and most of the NATO partners because Bonn's defensive conception, in case of war, provides for immediate use of atomic weapons. On this basis every combat action in West Germany would necessarily result in a nuclear catastrophe. All those who know the explosive situation between the two German states, which virtually live in a state of civil war, must regard such a perspective with horror.

As his last act of defiance, the Chancellor hurled the pact with de Gaulle into the Western camp. This was an act of revenge against Kennedy; and, for Adenauer, a new device for acquiring nuclear arms. All this shows that the Federal Republic, nursed along like a baby chick by the Western powers, is today strong enough to try out an independent role.

West Germany today looks very different from what it did fourteen years ago: no more ruins or starvation. It is the greatest economic and military power in Western Europe. But there can be no question of "reunification in peace and freedom." The powerful German Army heightens international tension, threatens democratic development and domestic social progress. The achievement of peace and freedom requires a stop to rearmament; instead, the Federal Republic keeps 500,000 men under arms (the Weimar Republic, with twice the territory, had only 100,000 troops). Adenauer's successor will have to decide which way for West Germany: the road to peace or the road to militarism.

Another legacy, no less important, involves domestic affairs. The German use, in the past, of the plebiscite tended to strangle democratic thought, which was replaced by simple-minded clichés handed down from above. Those who opposed official principles could expect to be denounced as "enemies of the state." This produced a kind of McCarthyism that continued to spread long after its prototype in the United States had died out. The civil-war atmosphere sharpened; thought became subordinated to mendacious propaganda; it was more expedient to be the "servant of the state" than its "enemy."

The 1949 goal — which estab-

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lished a regime free from crises—was achieved. But today we must ask whether it was not "over-achieved." There are no government crises; but there are no differences of opinion, either. A general conformism has leveled everything—parties, trade unions, schools, newspapers, churches, motion pictures. In the fight against communism, many opinions are suppressed, and just as many that are expressed are untrue.

While Weimar perished in multiparty strife, the Bonn Republic is choked off by a conformism content with cheap slogans expounding a "community of national interests." The three parties in the *Bundestag* are separated not by principles, but only by nuances. The system of state-financed parties insures the monopoly of the leaders and hinders critical voices from being heard.

And yet it is the questionable part of the aged Chancellor's legacy that may well stimulate a change. The shadows on foreign policy, on the slowing rhythm of the economy, strikes that have broken out—these are among the unresolved problems waiting to be solved.

Presumably West Germany, under Chancellor Erhard, will tighten the bonds with the United States and Britain and disown the escapade with de Gaulle. Erhard may also lend a close ear to the urgings of the Ruhr industrialists clamoring for stepped-up trade with the East. As an economist, he is closer to reality than Adenauer, the crusader-propagandist. We may expect the cautious start of a new approach to the Soviet Union, now that the former policy has utterly failed.

However, any reawakening after this long Rip Van Winkle sleep will take time. With the exit of Germany's Old Man, the hypnotized German masses will come out of their trance, realizing that the clichés they have been hearing are not the last word in wisdom. The spell is broken, new elements are stirring. The main problem will be to take a close look at the over-used phrase of "reunification in peace and freedom" and to give it a brand-new political meaning.

Science Talks About Peace . . . . . Carl Dreher

The Congress of Scientists on Survival, Inc. (S.O.S.) is an elite outfit which in 1962 staged a public conference in an endeavor to avert a nuclear cataclysm. Messrs. Khrushchev and Kennedy having kindly refrained from settling the Cuban dispute in this fashion, the scientists survived to hold their second conference, June 14, 15 and 16 at the Hotel Biltmore in New York. Judging by local publicity, which is always much heavier than national publicity, one might have concluded the affair was a flop.

Reaching the public was only one objective of the conference, and valuable results of another kind were achieved. Nevertheless, the disappointing publicity, aside from reflecting on American journalism, points to something organically wrong with the S.O.S. operation. I say organically, because mechanically everything was fine. The press was assisted by a public relations firm, the professional staff of which functioned most competently and was backed up by hard-working volunteers. Attendance was good: 500 or more, including some of the country's leading scientists. Hudson Hoagland, S.O.S.'s president, is also president of the National Academy of Arts and Sciences. The keynote speaker was Prof. Hans A. Bethe, who discussed "Stability and Arms Control." At the last plenary session Harold Taylor was chairman and the speakers included two of the most intelligent, peace-oriented members of Congress: Rep. Robert W. Kastenmeier of Wisconsin and Rep. George E. Brown, Jr., of California. The concluding speaker, familiar to *Nation* readers, was Prof. Fred Warner Neal, who does his own thinking on international relations and is not afraid to publish his conclusions. At one session in between, the speakers were Sir Robert Watson-Watt, the British inventor of radar, H. Bentley Glass, professor of biology at Johns Hopkins, and Bernard T. Feld, professor of physics at Massachusetts Institute of Technology. Not a bad foundation, surely, in names and personalities, and in the technical sessions the material was equally promising.

What was the matter, then? For one thing, I feel the conference was too heavily weighted on the side of government and government-dominated organizations and individuals. As Prof. David F. Cavers of the Harvard Law School said at one point, we are a nation at war. It is a new and special kind of war, but the psychology is not utterly different. There is little enough honesty in government at any time, and still less in wartime. Because of this, and for other reasons not unrelated, the conference lacked both a sense of urgency and a specific focus. A lot of nice, genteel people — almost everyone referred to the Soviet Union by its proper name—felt better for getting together and talking. I am sure that a certain amount of good will come out of some of these exchanges, but it must be added that a sizable minority came away feeling more frustrated and impotent than before.

I could not cover more than a fraction of the technical sessions. On Saturday there were eight in the morning, a luncheon speech by Franklin A. Long, assistant director of the Arms Control and Disarmament Agency, then another eight technical sessions in the afternoon. I passed up Seymour Melman's symposiums on the economics of industrial conversion. I also let biological effects go, although that session included "natural upsets," itemized by R. U. Ayres of the Hudson Institute as probable enhancement of ozone production in the stratosphere, with meteorological interactions; probable consequences of changes in the earth's albedo (reflectivity) as a result of dust production; possible consequences of widespread deforestation due to insect outbreaks, radiation or fires. And enhanced run-off. And wind erosion.

While missing so much, I was simultaneously blessed by seren-

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dipity, the current vogue-word of research, meaning that if you don't find what you are looking for, you may stumble on something just as good. On Sunday morning I walked into a very small session on social effects of thermonuclear war where R. Christen, of the Department of History of Manhattan College, was preparing to demonstrate an analogy between the possible ruin of our civilization and the downfall of Mesopotamian culture in the Mongol invasions at the end of the thirteenth century. The Mongols destroyed the irrigation canal system, which was vital to Mesopotamian agriculture. It was not so much a matter of frontal attack on the hydraulic installations as inability of the managers and engineers to maintain the flow of water, and control floods, under wartime conditions.

I anticipated quite early what Dr. Christen was coming to. I have thought about it a great deal, not out of perspicacity but because I began vocational life as an electrical engineer. The most precious resource of a modern metropolis is its electrical power supply. The Consolidated Edison Company is to the City of New York as the canals were to Mesopotamia, and the progression of the disaster would be far more rapid. What do you do in your twentieth-story penthouse without operational plumbing (neither water supply nor sewerage) and no elevator service? The Mesopotamians, at least, were on the ground.

Just the same, they never recovered. The population seven centuries ago was 17 million or more, with infant mortality which we would regard as appalling; the present population of Iraq, which is modern Mesopotamia, is 5 million. And the Mongols were merely horsemen with spears and leather shields.

The problems of our time being so complex, unstable and dangerous, scientists must enjoin caution on themselves, refrain from oversimplification, and not harbor false hopes. But, with humanity faced with the threat of extinction or, at the very least, a grave setback in civilization, scientists must also bestir themselves to provide clarification wherever and whenever possible. They are citizens as well as scientists and they owe allegiance to their respective nations; but to their fellow men, including their own countrymen, they also owe the maximum objectivity of which they are capable. With some exceptions, I do not think this was achieved at the S.O.S. conference. If another conference is held in 1964, this is one of the dilemmas which should be pondered between now and then. It is, in fact, something we should all be pondering all the time.

Even so distinguished a scientist as Dr. Bethe, with a praiseworthy record of moderation in cold-war affairs, seems to have been converted into a supporter of the Administration policy of negotiation from a position of overwhelming nuclear strength. Now, a scientist as gifted as Bethe cannot escape making some sapient observation whenever he opens his mouth; it is true, also, that Bethe supports Kennedy with certain qualifications and cautionary advice. He points out, for instance, that whereas Khrushchev overplayed his hand in the crisis of last October and lost, voices in this country are now urging Kennedy to overplay his hand. Bethe also observes that, for it to be fully effective, the strategy of counterforce (i.e., a plan of attack aimed at the enemy's military installations) requires that you strike first, and he decries the irrationality implicit in Herman Kahn's interpretations, with each side "constantly watching for indications of hostile intent, eager to strike first if war is threatening." But then Bethe goes on to justify our present forces of bombers and ICBMs, and our planned forces of 800 Minutemen ICBMs and 700 Polaris missiles, the former hardened to 100 pounds per square inch or more, the latter ready to fire on predetermined Soviet targets from undersea locations, all together constituting an "invulnerable deterrent." "Clearly," Bethe concludes, "there is no longer any profit in a counterforce strategy."

Quite so — if you are looking at counterforce from east to west. But does it make counterforce less attractive from an American standpoint? This overwhelming concentration of nuclear power, much of it relatively close to the Soviet borders (current Polarises are IRBMs) must seem as menacing to the Soviets as the Soviet IRBMs emplaced in Cuba seemed to us.

Bethe takes some account of this when he hails the Soviet announcement that they too are building missile-carrying submarines as one that we should welcome "because it makes it less likely that they will try a counterforce strike against us." In that case, since it will take them some time to develop their own nuclear subs and these may be inferior to Admiral Rickover's product (there have lately been reports of serious defects in the Soviet Union's conventional diesel-electric subs), why don't we furnish them with a few prototypes and speed the day when our security will be enhanced by the allaying of Soviet fears? The idea is absurd, of course, but it brings out the fact that superiority is still our fetish and that we shall never believe we have enough of it.

Another flaw in Bethe's apologetics is the increasingly convincing demonstration that American military-industrial resources so far exceed those of the Soviets that parity cannot be maintained and our adversary will be progressively disadvantaged. How alarming their real, and widening, missile gap will be to them may be gauged by the agitation that a strictly phony, synthetic missile gap provoked on our side.

The Soviets are now trying to counter this ominous progression by loud fulminations à la Malinovsky and, more to the point, development of 100-megaton incendiary bombs, which are a relatively inexpensive deterrent. Bethe points out that such a weapon, detonated at a thirty-mile altitude, would start fires over a radius of about fifty miles, but the warhead is so heavy that it probably cannot be carried by any rocket currently available. A bomber could deliver it but would be vulnerable to anti-aircraft fire and the altitude of detonation would be reduced to ten miles or less, reducing the effectiveness of the weapon by a factor of at least two. On this account Bethe regards the 100-megaton weapon as "relatively ineffective." But, as larger rockets are developed by both sides for space exploration, they will also be available for delivery of large nuclear weapons, 100 megatons being only a beginning. There can be little doubt that we are also planning along these lines and, if the arms race continues, the next stage will

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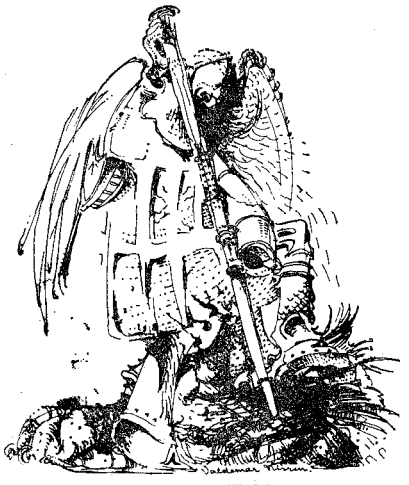

Valdemar Nissen

involve the development of Gargantuan thermonuclear weapons.

If Dr. Bethe's speech was informative but disappointing in general tone, the speech of Arthur Barber on Methods of Inspection: Problems in Current Negotiations on Arms Control, was just about what one would expect from a Deputy Assistant Secretary of Defense (Arms Control). I don't mean that Mr. Barber deserves any of the epithets that the Soviets might apply to him. He seemed mild-mannered enough and I am sure that his intentions are in no way malign, but his address was permeated with the usual protestations of American virtue and the obligatory accusatory tone toward the Soviets.

There were discreet references at the conference to the institutionalized role of armament research and manufacture in the American economy, and the fact that economic chaos could result if peace were permitted to break out. There were also some guarded references to the fact that in a Socialist economy, the transition from military to welfare spending would not involve the problems that it involves with us. The truth, which should be bluntly stated and restated at every opportunity, is that our meat is the Soviet Union's poison. William C. Foster, head of the U.S. Arms Control and Disarmament Agency, said as much before he assumed his present office, but the deduction he drew from it was outrageous. He advocated increasing our arms spending from 10 per cent to 20 per cent of gross national product in order to deprive the Soviet people of "one-third of the already sparse good things of life they have." (General Electric Defense Quarterly, I, No. 2, July-Sept., 1958, page 7.)

Perhaps someone mentioned this scheme at the conference, but it didn't seem to be that kind of conference and it is in none of the speeches of which I have the texts. It seems to me that if we can't have plain speaking on such vital matters, a group like S.O.S. loses a substantial part of its reason for being.

With all their good intentions, the organizers rigged the conference. About 30 per cent of the listed participants (chairmen, speakers, discussants) were connected with the armed services, war industry, government agencies, government-supported "think factories," etc. I do not dispute anyone's intellectual integrity, but everyone working for the government, directly or indirectly, must have security clearance, a corollary function of what I would call thought control. Clearance cannot be had if one has engaged in any activity, or expressed views, contrary to the American position in the cold war, or at variance with the myths, distortions and outright lies that characterize all war propaganda.

People unwilling to apply for clearance, or unable to obtain it, could ask questions from the floor. They could also make little speeches in the guise of asking questions, but the bulk of the talking was done by the programed speakers, and they set the tone of the discussions. To those who were members or beneficiaries of the military-industrial complex, we must add another group, perhaps larger, who would be jeopardizing their chances of promotion, or even their jobs, if they said the wrong things out loud.

Let me take it clear that I do not object to the inclusion of the war workers and thinkers who were programed. Some have something to contribute, more of them have something to learn. I am merely arguing for a better balance. A conference such as this might well be patterned, to some extent, after the Pugwash meetings, with this addition: let the two sides not only represent Americans and Soviet-bloc nationals, but also Americans of diverse views on the cold war. Dr. Hoagland's announced purpose, to "explore new ideas and encourage those wishing to engage in serious peace research," would surely be furthered.

I suspect that Alex Gottfried of the Department of Political Science of the University of Washington diagnosed a weakness of S.O.S. when, referring to the necessity of keeping the peace movement "honest," he said:

> *In the effort to sell the message to opinion leaders, decision-makers, power-holders and the masses, there is always the understandable temptation to tone the message down to what these are ready to buy, while the necessities of compromise involved in backing "winners" for public office, or in being a winner, are too well known to need elaboration here. Only the conscientious scruples of the purists can be counted upon to keep reminding us of what the message really is—to keep the power of the idea, so to speak, until its time comes.*

S.O.S., of course, is not a peace organization in the sense of this passage. It specifically disclaims any function as a peace-action body. Even in its stated role as an idea-exploration group, however, it may be subject to somewhat the same infections. Dissipating its vital energy in repelling its dissenters and would-be activists, it could end up as hardly more than an intellectual arm of the military-industrial apparatus. It needn't even expel objectors publicly and unpleasantly. Since it is not a membership organization, its twenty-three-member council can simply ignore the feeling of frustration which the 1963 conference left in a considerable number of participants.

Then what? Assuming that our luck holds out for awhile, S.O.S. could stage a few more confabulations, the principal effect of which would be to make a certain number of humanitarian arms manufacturers and their academic colleagues feel virtuous once a year. Less tractable participants will be likely to quit, since level of discernment is generally high, and a lot of them have had previous experience with self-eroding organizations. If, on the other hand, the directors, who include a hopeful proportion of able, conscientious, educable persons, conclude that a problem exists and set themselves to solve it, S.O.S. might serve in no small measure to save both our hides and what we owe to ourselves as men.

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Common Sense on Dostoevsky

DOSTOEVSKY. By David Magarshack. Harcourt, Brace & World. 399 pp. $8.75.

Helen Muchnic

To all intents and purposes, although he died in 1881, Dostoevsky belongs to the twentieth century. His posthumous influence is an extraordinary, probably a unique, phenomenon. Major novelists of France, Germany, England and America have been writing for sixty years under his spell; leaders of a celebrated philosophic movement have proclaimed him as a source of their theories; psychologists have drawn on his novels to illustrate types and special cases; university students take him up in courses on literature, religion or philosophy; the general reader knows him through translations; the already enormous critical literature about him, in half a dozen languages, continues to grow. His reputation has passed through periods of misinterpretation and neglect to stages of enraptured adulation, and now seems to be entering a phase of scholarly, level-headed appraisal. It is to this latter school of sanity that David Magarshack belongs. Since 1950, he has been publishing his translations of Dostoevsky's works, accompanying them with lucid introductory essays that, based on material which has been coming to light in Russia since the 1920s, supply in each case the essential background. Thus, his latest study is grounded, as was to be expected, in a thorough knowledge both of Dostoevsky's creations and of all available first-hand sources about him. Together with a characteristic common sense, which is the mark of his biographies of Chekhov, Gogol and Turgenev, as well as of his introductions to Dostoevsky, this is the outstanding quality of his writing.

It is a quality, however, which, unless one accepts the restricted scope of his book, may figure as a defect. For what Mr. Magarshack has produced is neither literary criticism nor, strictly speaking, even biography; not an interpretation, not a portrait of Dostoevsky, but, quite simply, a chronicle of his life. A very valuable chronicle! Without dramatization, without analysis or speculation, it plays down those sensational circumstances and events — Dostoevsky's involvement in the revolutionary movement, his later change to a reactionary position, his two marriages and several love affairs, his exile to Siberia, his gambling, his epilepsy—which are usually treated emotionally, dogmatically, luridly. Mr. Magarshack sifts controversial evidence, tells his story with admirable impartiality.

And to any one familiar with Dostoevsky's work, his book is rich in hints about its development. Dostoevsky's imaginative creations, although not analyzed, are nevertheless so clearly and importantly there that one is constantly struck by the relevance of the biographical data to the literary event. Sometimes Mr. Magarshack himself points to the relationship between Dostoevsky's life and his art, as for example in the interesting pages which he devotes to the genesis of *The Brothers Karamazov* and *The Possessed (The Devils,* in his translation); or in his observations on how Dostoevsky transmuted his unhappy childhood and his parents' tragic marriage into imaginative episodes and the stuff of his most cherished themes and theories; or in his convincing suggestions as to the prototypes of various fictional characters: of Shidlovsky, the friend of Dostoevsky's youth, as the original of Alyosha Karamazov; Karepin, Dostoevsky's brother-in-law as, quite unfairly, the source of Julian Mastakovich in "The Christmas Tree and a Wedding"; of Alexander Isaev as the Marmeladov of *Crime and Punishment* and the General Ivolgin of *The Idiot,* and Anna Korvin-Krukovskaya as Aglaya Yepanchin. Very perceptive is the remark that Apollinaria Suslova, with whom Dostoevsky endured his most tormenting love affair, served as model not only for his "infernal women," Nastasya Fillipovna in *The Idiot* or Katerina Ivanovna and Grushenka in *The Brothers Karamazov,* as has been generally recognized, but also for the saintly Sonya in *Crime and Punishment.* Mr. Magarshack has seen that, with all their differences, these personages have one trait in common, "the capacity to be exacting and uncompromising," a trait which Dostoevsky admired especially in his Pauline, and which, incidentally, in a portrait of Dostoevsky, might well serve as the focal point. Other parallels are implicit.

One gets fascinating glimpses of Dostoevsky's dominant ideas at what appears to be the moment of inception, as when, in a letter to his brother, the seventeen-year-old Fyodor declares that "the atmosphere of [man's] soul is composed of a union of heaven and earth," a sentiment which one hears echoing down his pages all the way to Dmitry Karamazov's passionate, perplexed avowal that the ideal of the Madonna and the ideal of Sodom live side by side in the heart of man; or when in 1847, in an article about "the dreamer" quoted at length by Mr. Magarshack, he gives voice to that revulsion against romanticism which prefigures the dualism of his tormented anti-hero in *Notes from the Underground,* the wonderful long monologue which seventeen years later, in 1864, was to inaugurate the series of his major novels. (It is unfortunate that Mr. Margarshack insists on translating this title as *Notes from a Dark Cellar,* for the "Underground Man" has by now become a well-recognized and significant type.)

Within bounds of the strictly rational and the ordinarily human, Mr. Magarshack has a firm grasp of his subject. He sees Dostoevsky's life as a whole, is aware of his tragic complexity, appreciates his genius, but declines to be histrionic about the one or transported by the other, refuses to plunge to psychologic depths or soar in speculative heights. His Dostoevsky appears as neither angel nor demon, but as a man capable of courage and nobility—at the time of his arrest, he chose to shield others rather than save himself—but equally capable of pettiness, malice and hypocrisy. As a thinker, especially in matters of politics, he seems, as Herzen saw him, "naive, a little confused," and in his religious idea, as Pobedonostsev held, rooted in "vacillation" rather than faith. Mr. Magarshack demonstrates both the confusion and the vacillation. "The whole of Dostoevsky's concept of the Russian

Helen Muchnic is the author of From Gorky to Pasternak: Six Writers in Soviet Russia *(Random House).*

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peasant," he says, "smacks of theory rather than fact. . . . He never really knew the Russian peasants." And quoting from his famous oration at the Pushkin celebrations, which provoked something like the mass hysteria of a revivalist meeting, he remarks on Dostoevsky's going on "with ecstatic abandon, having by now reduced his audience to a state of limp acquiescence in any insane political doctrine that his inflamed imagination might conjure up." Christ walked over "this poor land" of Russia, Dostoevsky exclaimed, "Why, then, should we not be the receptacle of His last word? Was He not born in a manger himself?", on which Mr. Magarshack comments acidly: "The logic of the last sentence is not very easy to follow." He recognizes Dostoevsky's unevenness as an artist, his need of "the inspiration of a great moral argument" and his failure when such inspiration was lacking.

I find Mr. Magarshack weakest in dealing with topics on the borderline between emotion and idea, as with Dostoevsky's concept of man's need, particularly "the Russian's" need, to suffer. Here the author, confusing desire and enjoyment, picks flaws in Dostoevsky's argument and, in the course of his book, contradicts himself. But for the most part, he leaves such issues in abeyance. "The question how much Dostoevsky was influenced by Belinsky's radical ideas and, especially, by his atheism [which is essentially the knotty question of Dostoevsky's belief and unbelief] has never been satisfactorily elucidated." "The dichotomy in his nature, on which he was so fond of expatiating towards the end of his life, can be best seen in the difference between his thinking as a creative artist and as an ordinary man." (But *why* this difference?) These crucial matters Mr. Magarshack does not elucidate. And yet they bear on what he recognizes as the central problem in dealing with Dostoevsky, that "irreconcilable inner conflict," to which he points at the outset of his study. His book begins: "Dostoevsky has always remained an enigmatic figure to his biographers," and if at the end, the enigma has not been resolved, if Dostoevsky still remains unexplained, the factors of his complexity, at any rate, have been made credible, the obfuscating clouds of rhapsody have been dispersed, the groundwork has been laid and the way toward a possible interpretation has been indicated.

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Mr. Holmes Makes His Mark

JUSTICE OLIVER WENDELL HOLMES: The Proving Years, 1870-1882. By Mark DeWolfe Howe. Harvard University Press. 295 pp. $5.

Earl Latham

The first volume of Mark DeWolfe Howe's fine biography of Justice Holmes carried the account to the venture of Holmes upon the practice of the law with his brother in 1870. These were the "shaping years," and now the second volume extends the biography to 1882, when Holmes became an associate justice in the Supreme Judicial Court of Massachusetts. These — the "proving years" — were a time of test, in which the son of Dr. Holmes strove, sometimes with unfeeling egotism, to establish his credentials as a man of mind. The judicial appointment was to provide a platform of public notice on which Holmes, for the next half-century, was to play the role of Yankee sage in Boston and Washington, and to arbitrate the intellectual style of generations of liberal lawyers. But the three steps to this elevation were not without sacrifice to Holmes, and some pain to others. These steps were his editorial work on Kent's *Commentaries on American Law*, his distinguished lectures on *The Common Law* and his brief tenure as a professor at the Harvard Law School.

Although the biography suggests that the striving of Holmes for personal distinction was somehow a consequence of his life with a rather overwhelming father, the thought is not extended beyond the suggestion. Whatever the motivation for striving, Holmes pursued his advantage among the gentle wits and scholars of mid-century Cambridge and Boston with Darwinian imperviousness—as in his editorial work on Kent's treatise. The grandson of the famous Chancellor Kent had arranged with James Bradley Thayer of the Harvard Law School faculty to bring out a twelfth edition of the *Commentaries*, with grandson Kent's name on the title page, and Thayer's within, as editor. Thayer then engaged Holmes, who was twenty-eight, to assist him in the editing, and it was understood that the name of Holmes would appear with that of Thayer, in a place subordinate to that of Kent. The twelfth edition of the *Commentaries* appeared in December, 1873. The name of Jesse Kent the younger did not appear on the title page, but that of Oliver Wendell Holmes, Jr., did. The closing paragraphs of the Preface, signed by Holmes, acknowledged his gratitude to James Bradley Thayer. Thayer was outraged by this behavior, noting in a memorandum book he kept that Holmes "with all his attractive qualities & solid merits" was nevertheless also "selfish, vain, thoughtless of others." Of this incident Professor Howe says that Holmes had "transformed a joint venture in scholarship into an individual achievement and publicly took credit for the accomplishment." It was a fact that Holmes had done most of the work, but a "person of more delicate modesty" might have shared his individual achievement with one who was, nominally at least, a partner in the enterprise.

During the years of his work on the *Commentaries*, Holmes was also co-editor of the *American Law Review*, for which he wrote numerous pieces that were published anonymously. These are extremely interesting for the information they provide about the development of Holmes's jurisprudence; and Professor Howe does a great service by identifying, with the aid of his subject's private papers, the articles that were written by Holmes.

There is a certain present-day irony in the matters that concerned Holmes as an editor—for example, the constitutional power of the governor of a Southern state to enjoin the President of the United States in the enforcement of federal laws; and the power of the federal government, in the Force Bill of 1871, actively to guarantee the rights of Negroes in the South. An article in *The Nation* of April 20, 1871 argued that the Force Bill was unconstitutional, but Holmes thought that there was some room for the exercise of the national power. In these early years, Holmes was no innovator in the law, his work being notable, in the main, for a somewhat legalistic conventionality.

It was the series of Lowell Lectures on the common law that gave Holmes international credentials as a legal scholar, and with this achievement, he moved out of the valley shadowed by the Autocrat, to an Andean eminence in his own range. Five of the lectures had originally appeared as signed articles in the *American Law Review* between 1876 and 1880, and two had appeared earlier as unsigned papers. Four of the lectures had never been published before, and the last was a summary of the whole series. The five chapters of *The Proving Years* which Professor Howe devotes to a critique of *The Common Law* will be invaluable for other scholars and for students. It may be noted that Professor Howe has also prepared a new edition of this great originating work of Justice Holmes, with annotations by both Holmes and Howe.

The great contribution of the lectures is the demonstration that the

Earl Latham is chairman of the Department of Political Science at Amherst College. In 1961, he was appointed by President Kennedy to the Executive Council of the Administrative Conference of the United States.

The Falls

O rash! As if our mercies must become
Impetuous to keep our souls intact,
Stiller than stones in the foam —
Motionless — the rim of the cataract!

And we — as fast held! If assent
Matches a beauty so pulsed to pass
Its swift eternity lightly pent
By ordinary trees and grass,

Not these bright mists whose overtow
Shimmers into light's sublimate
Have, pouring, christened all we know
Of purity with power and weight —

But we ourselves! Surging, steep,
Mortality spins to arabesques.
Only our cares and crafts can keep
The inclination of our deaths

Where thunders rouse old infantile
Lost credences in so many keys
We stand confounded by the rile
And roaring birthsound of our peace —

Our cries but unheard breaths of air!
For though our hearts may fear to be
Impersonalized everywhere —
Such love brinks their apostrophe

Our sixth senses and twigs and stones,
Beseeching and daemoniacal,
Swerve as one likeness and at once
To a verge where meanings fall

So dizzily staunched that if we seek
In spray where dreams have disappeared
Such values still are what we make
Standing together, twice endeared.

Broken are lives that undergo
The urgencies of mortal years —
But once compassion is all we know
Majesty can stop our tears.

Frederick Bock

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principal roots of the common law were Teutonic and not Roman, although in the essay on contracts—the influence of which Professor Howe says has been "extraordinary and profound" — the Teutonic elements may have been unduly weighted. Although Holmes wanted to ascribe due credit to Teutonic influences of the ninth century, he also wanted to rescue Anglo-American jurisprudence from the Teutonic influences of a millenium later, notably those contributed by the metaphysics of Kant and Hegel, which seemed to him to sacrifice what we know to what we think. As he was to say in the opening lines of *The Common Law*, "The life of the law is not logic but experience."

Not all of the first readers of Holmes's notable work were enthusiastic. Henry Ware Holland, in an unsigned notice in *The Nation* of June 30, 1881, thought that the book was marred by long philosophical discussions. It should be said right here—eighty years later—that the work is *not* marred by long philosophical discussions.

The year 1882 was the watershed of Holmes's career. In the spring he agreed to give courses in the Harvard Law School to begin the following fall, and he did start them. But in December he quit the law school, without consulting the dean or the president of Harvard University, to accept—on a few hours' notice of the offer—appointment to the Supreme Judicial Court of Massachusetts. His precipitous action was greatly resented by James Bradley Thayer (who had already had reason to complain of Holmes's behavior), and he confided to his memorandum book his opinion that Holmes had committed an "unhandsome and indecent action." Professor Howe looks upon the incident with kindlier eye, pointing out that Holmes, when he accepted the professorship for which a special endowment was raised, had said he would feel free to accept a judicial appointment if the opportunity came; and it is true that Holmes did say such a thing. He did not say, however, that he would knock down his friends in his eagerness to accept. It would be unfair to characterize Holmes at this stage as the Sammy Glick of the Yankee aristocracy; nevertheless a kind of unfeeling ambition was what made both Wendell and Sammy run.

In the striving of Holmes, philosophy and personality reinforced each other, although it is the opinion of Professor Howe that Holmes was more a Darwinian by conviction than by temperament. Holmes aspired to eminent intellectual distinction, and the "Darwinian view persuaded him that for that goal to be achieved an almost ruthless dedication of effort was required." Even if the intellectual elements of conviction and temperament are as separable as this statement seems to suppose, they certainly combined in an easy fusion, and it would be hard to separate them in such assertions of Holmes as "... while I often feel like a worm when I read of men whose dominant motive is love for their kind, I console myself by thinking that most of the great work done in the world comes from a different type." He denied tacit assumptions of the solidarity of the interests of society, argued instead that there was a diversity of interests among the different parts of the community, and said that the function of legislation was to allow the dominant interest to have its way. After a brief acquiescence in the Austinian theory of sovereignty, Holmes came to modify it by admitting as "law" whatever rules the courts enforce, and rejecting speculation about the imaginary will of a fictitious sovereign. He criticized an English decision of 1872, which convicted the leaders of a gas stokers' strike of conspiring to break contracts of employment, less because he thought the decision morally unjust (although he did think the judges had been abusive), than because it was politically insensitive. As Professor Howe puts it, the judges "were unaware that the *de facto* power of labor had reached such proportions that the erstwhile ruling classes must recognize that their own power was no longer supreme."

This relativism was hospitable to progressive social change, and liberals of the first half of the twentieth century in America found its toughness congenial to the reforms they fostered, and exploited it. But if the law should be modified to suit the requirements of new liberal power because it is power, and not because it is liberal, it follows that it should adjust to the requirements of reaction, once the same credentials of power are clearly established. Presumably, those should dominate who can, and the proof of their patent is their mastery. The Darwinianism of Holmes has to be worthless, both as philosophy and

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program, for if the fittest are those who survive, fitness is established by survival, and other distinctions of quality are irrelevant. One of the difficulties of the doctrine is that its explications are always in the hands of survivors, like Holmes, and it is bound to look better to them than to the mute destitute, and the dead.

In the "proving years," Holmes had some experience with the actual practice of the law, first with his brother, in the time of the *Commentaries*, and then in partnership with George Otis Shattuck and William A. Munroe. His imprint on the law, however, was not to be made by him either as editor or as advocate, in both of which roles he performed with competence, but without the brilliance he was to achieve as author and jurist. In relating this transformation of intelligence into intellect, of feeling into philosophy, Professor Howe is producing what will rank as one of the truly great judicial biographies in the English language, of which he is a master.

Revelations of What Is Present

THE NEXT ROOM OF THE DREAM. By Howard Nemerov. University of Chicago Press. 143 pp. $5; $2.45 paper.

THE BRANCH WILL NOT BREAK. By James Wright. Wesleyan University Press. 59 pp. $4; $1.45 paper.

Louis D. Rubin, Jr.

There are two kinds of poems in Mr. Nemerov's new book (also a couple of verse plays about which I shall have nothing to say one way or the other). One kind is exemplified in the first poem in the collection, "To Clio, Muse of History." In this poem, as in numerous others, Mr. Nemerov assumes a posture: he is the urbane, civilized, disaster-minded modern, with a pessimistic eye for the ironies. The statue of an Etruscan warrior proves to be a forgery, and the poet is unhappy at the loss of more illusion:

He, great male beauty
That stood for the sexual thrust of power,
His target eyes inviting the universal victim
To fatal seduction, the crested and greaved
Survivor long after shield and sword are dust,
Has now become another lie about our life.

It only goes to show that it is next to impossible to know what *is* real, because the statue, in what it meant, was "real" in a way that authentication or refutation could hardly affect. A good poem, it says what it has to say interestingly enough; no complaints are in order. So now we know.

The other kind of poem doesn't say which attitude we should assume; it isn't content with pointing out ironies or deficiencies of vision; it has no truck at all with being "wise." Instead, it shows us our world, directly, unequivocally, with breathtaking clarity. In no way *vers de société*, it is the lyric voice of a poet who isn't merely interesting, but excitingly perceptive. Here is one such, "A Spell Before Winter":

After the red leaf and the gold have gone,
Brought down by the wind, then by hammering rain
Bruised and discolored, when October's flame
Goes blue to guttering in the cusp, this land
Sinks deeper into silence, darker into shade.
There is a knowledge in the look of things,
The old hills hunch before the north wind blows.
Now I can see certain simplicities
In the darkening rust and tarnish of the time,
And say over the certain simplicities,
The running water and the standing stone,
The yellow haze of the willow and the black
Smoke of the elm, the silver, silent light
Where suddenly, readying toward nightfall,
The sumac's candelabrum darkly flames.
And I speak to you now with the land's voice,
It is the cold, wild land that says to you
A knowledge glimmers in the sleep of things:
The old hills hunch before the north wind blows.

One could compose pages of commentary on this poem, and it would all come to this: it offers an almost perfect balance between the most simple and simply described phenomena and their exact summation in meaning, so that the poem does not theorize, does not attempt to instruct us in how we should feel; it shows us what we do feel, inescapably. One could scarcely omit or change a word in this poem; it seems utterly natural. Yet it is the product of great artifice —skillful repetition, extreme care for the precise denotation and connotation of nouns and adjectives, a masterful use of energy-charged participles and verbs grounded solidly in tangible objects. And there are almost a dozen such poems in this book: "Human Things," "Somewhere," "De Anima," "Maiden with Orb and Planets," "The First Point of Aries," "Vermeer," "The End of Summer School," "Junction," "Burning the Leaves" and "The Dial Tone," which I especially like for its (to me) astounding revelation of what is present and readily apprehensible in a seemingly trivial phenomenon.

Poems such as these by Howard Nemerov go beyond attitudes and ironies, beyond the ordinary run of intelligent, clever verses that comprise most of the good poetry of this or any time. They provide that rare experience, in I. A. Richards' words, of "instants when the 'film of familiarity and selfish solicitude,' which commonly hides nine-tenths of life

Louis D. Rubin, Jr. is the author of a novel, The Golden Weather *(Atheneum), and author or editor of a number of books on American letters. He teaches English at Hollins College.*

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from the ordinary man, seems to be lifted and he feels strangely alive and aware of the actuality of existence."

In *The Branch Will Not Break,* James Wright has gone way off on a tangent, it seems to me. He has completely abdicated the job of giving meanings to what he describes, and is trying to show things as things, after the manner of pictorial art. It is a kind of willful refusal to enter into the business of interpreting experience, an insistence upon presenting only surfaces. Witness a characteristic lyric from the new collection, "From a Bus Window in Central Ohio, Just Before a Thunder Shower":

Cribs loaded with roughage huddle together
Before the north clouds.
The wind tiptoes between poplars.
The silver maple leaves squint
Toward the ground.
An old farmer, his scarlet face
Apologetic with whiskey, swings back a barn door
And calls a hundred black-and-white Holsteins
From the clover field.

Very nice; meaning, so far as I can tell, no more than what it obviously says. I can see no real difference between this sort of poetry and the imagist poems that Carl Sandburg was writing in the 1920s and earlier, back before he took up Public Relations. But with Sandburg it was the real thing; he was able to invest his descriptions with a sense of physical vitality, so that an apparent incongruity of detail was equivalent to a decisive presentation of the way things really are. I miss any such inner logic in Mr. Wright's new poems. They seem arbitrary, unorganized; the images don't combine to make poems. They remain static; the relationships are missing. Why Mr. Wright has chosen to back off from attempting to show relationships, I don't know. But given his past work, I hope that he soon returns to the business of trying to make things add up in verse.

THEATRE

Harold Clurman

Moscow

On a warm May evening most Russian males come to the theatre in their shirt-sleeves and without ties. Women come in the kind of dresses American lower-middle-class housewives usually wear for shopping at the neighborhood grocery. When there are musicians in the pit, they are also in shirt-sleeves, except for the conductor. To the Western eye the effect is startling, particularly when such an audience throngs the corridors, buffet and auditorium of the regal Bolshoi Theatre, whose settings and costumes are overwhelmingly sumptuous.

It is an extremely attentive audience, fervid in its applause, devoted to its artists. It is said to demand realism. Most of the new plays dismay the foreign visitor by their literal interpretation of traditional moral premises—the age-old verities. In one case a young Russian who accompanied me said of the play we had just seen, "It's too primary."

These plays mirror the dignified innocence of the audience. The contradiction within the theatrical situation here may be inferred from a conversation I had with another young man: "The trouble is we don't have enough good playwrights. Still," he hastened to add, "the plays reflect the concerns of the people." "Too simply," I prodded. He caught the look in my eye. "No, it isn't official pressure which is the source of the difficulty. These plays are what the people understand, what they are like."

I thought I'd press my point humorously. Referring to the hydroelectric worker "hero" of *The Irkutsk Story,* who at the age of twenty-five has never kissed a girl, I said: "A man of that age who has never kissed a girl is not pure; he is sick." My companion laughed. Then he went on to assure me, "But many workers in our small towns are just like that." (He meant that they are chaste.) I am convinced that it is so.

The realism of the Soviet theatre is not at all like ours. To begin with, the new plays are produced with a scenic freedom, a sophistication of means, which bespeaks an advanced stage technique. Years of experiment in many departures from late nineteenth-century representationalism have furnished Russian directors and designers with an extremely rich stage palette. (There is no worry over costs.) From the vast storehouse of theatrical inventions, the new directors have learned to choose tastefully — that is, without artiness or what the Russians call "formalism" — to create effects with direct audience appeal and of great service to the content of their plays.

Most theatres are equipped with one or more revolving stages. This is of no particular advantage when stages are shallow, but most Moscow stages are extensive in all dimensions. (Broadway stages are rarely more than thirty feet deep.) The principal characters in *The Irkutsk Story* make their first entrance down a ramp which runs some sixty feet from the rear down to the stage level — and plenty of playing space remains in the foreground. The effect is magical. The revolving stage also makes the dances in the wedding scene most exhilarating. The Russians love music in the theatre and employ it generously.

In other words, while the plays themselves are usually characterized by a simple topicality of subject matter, these texts are projected with such sweep and richness that the term "realism" as we understand it cannot properly be applied. Economically and technically, our theatre lacks the facilities commonly put at the service of extremely meager Soviet scripts.

Many Russian critics and directors

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profess admiration for American acting. They like its forthrightness. This surprised me — if stage rather than film acting was meant. For I found much of the acting in the Soviet theatre even simpler than ours and, what is more remarkable, less intense. What Soviet actors for the most part now seem to be after is clarity. This aim may also have a socio-psychological cause.

The American actor (under forty-five) today often goes through an agony of effort to give his acting emotional substance. In its extreme form this becomes a sweating sincerity. It would seem that the life the American actor leads and the world around him afford him little opportunity for any but casual or mechanical responses. Through his acting he seeks to compensate for a lack he feels in his environment and consequently in himself. The Soviet actor takes feeling for granted. It is always present; he does not need to strain himself to achieve it. The Russian player's concentration is bent on the most basic truth of physical action — of look, movement and relation to immediate circumstances. One is amazed by the quietness and repose of most Soviet acting. Only the comedies or highly stylized satires (as in Mayakovsky's *The Bug*) are boisterous and colorfully complex.

These impressions were strongly reinforced by the performance of a new play called *Before Supper* that I saw at the Central Children's Theatre. This large theatre in the center of town is devoted to plays for children performed by a company of seventy-three admirably trained adult actors. It has four directors and there are twenty-five plays in its present repertory.

Before Supper, I was informed, is a play for children of high-school age and for grownups. What struck me here was the subdued realism of the acting, combined with themes typical of the public's present temper. One might describe the acting as *healthy*. Except for rare moments of agitation, no one raises his voice beyond a conversational tone; yet the dialogue is not only comfortably audible, but is rendered dramatically clear and interesting. Thoughts become visible without stress. The inner life of the character is externally realized without the aid of physical exertion or the heavy fumes of emotionalism. The acting is lucid rather than "deep," direct without being dry. In this limpid stream that flows with an almost classic ease, both children and their parents may behold their own ideal image. Here, rather than at the Moscow Art Theatre or at the Sovremenik (Contemporary) Theatre, its youthful offshoot (now playing Gibson's *Two for the Seesaw*), the latest fruits of Stanislavsky's teaching are to be studied.

As for the play's content, its emphasis is on the "new way of life." In the first act the theme is lightly limned in a comedy scene between two seventeen-year-olds. The boy has just received a letter from a French youth whom he has never met, but with whom he has begun a correspondence. The Russian boy answers the letter with one in French which someone has told him contains nine errors in grammar. His girl friend says: "You shouldn't have made those mistakes. It gives the Soviet Union a bad name abroad." "You're a Stalinist," the boy jokingly retorts.

In the second act a man of the older generation offhandedly remarks about a French ornament done in abstract style that he notices in the room: "See how far the Westerners have gone from realism." Then he proceeds to boast that he has never crossed the Soviet border and has never spoken a word of any foreign language. This leads to a bitter dispute related to the play's plot. In the crossfire of argument, the man cries out, "You wait. He'll come back." (It is understood that "he" stands for "Stalin.") To which the reply is, "He can't be brought back. He is nothing but ashes now."

At the end of this scene the quarrelsome man notices a dictaphone in the room — an instrument that the seventeen-year-old boy of the family uses as a diary. The old man turns pale; he fears he has been spied on! He tries to destroy the machine. The boy grabs the dictaphone speaker, holds it up to the older man's mouth and shouts, "Continue! Keep talking!" implying that under the new regime one may speak without fear.

It would be easy to dismiss this as Boy Scout dramaturgy. I shall not do so. What we have here is a kind of morality play. The atmosphere of the theatre, from stage to auditorium, is clean.

Apart from the Children's Theatre itself, almost every other theatre presents matinees for children at 11 A.M. At these, a wonderfully eager and well-behaved audience of children from the ages of five to ten see many different kinds of plays. At the Moscow Art Theatre I saw Maeterlinck's *The Blue Bird* (a Stanislavsky production dating back to 1908) and a Soviet play for children, *Three Fat Men*, about rebellion against a triumverate of fat rulers dressed in gold; it was done with delightful pyrotechnical adroitness. But the Moscow Art Theatre's latest success is the staged version of the Bernard Shaw-Mrs. Patrick Campbell correspondence, *Dear Liar*. The Moscow Art's repertory also includes dramatizations of *The Brothers Karamazov* and *Anna Karenina* and such old standbys as Gorky's *Lower Depths* and Tolstoy's *The Fruits of Enlightenment*.

Another great new success is the Brecht-Weill *The Threepenny Opera* (Brecht is respected but not altogether favored here) at the Stanislavsky Theatre — which is not the same as the Moscow Art Theatre. This was the last show I attended in Moscow, and I shall speak of it in connection with my visit to Warsaw. The Polish theatre — quite different from the Soviet — is highly rated by Russian theatre professionals, some of whom believe that the greatest progress in their part of the world is being made in Prague and Warsaw.

Tight Rope

We live in fragments
like speech. Like the fits
of wind, shivering against
the window.

Pieces of meaning, pierced
and strung together. The bright bead
of the poem, the bright bead
of your woman's laughter.

LeRoi Jones

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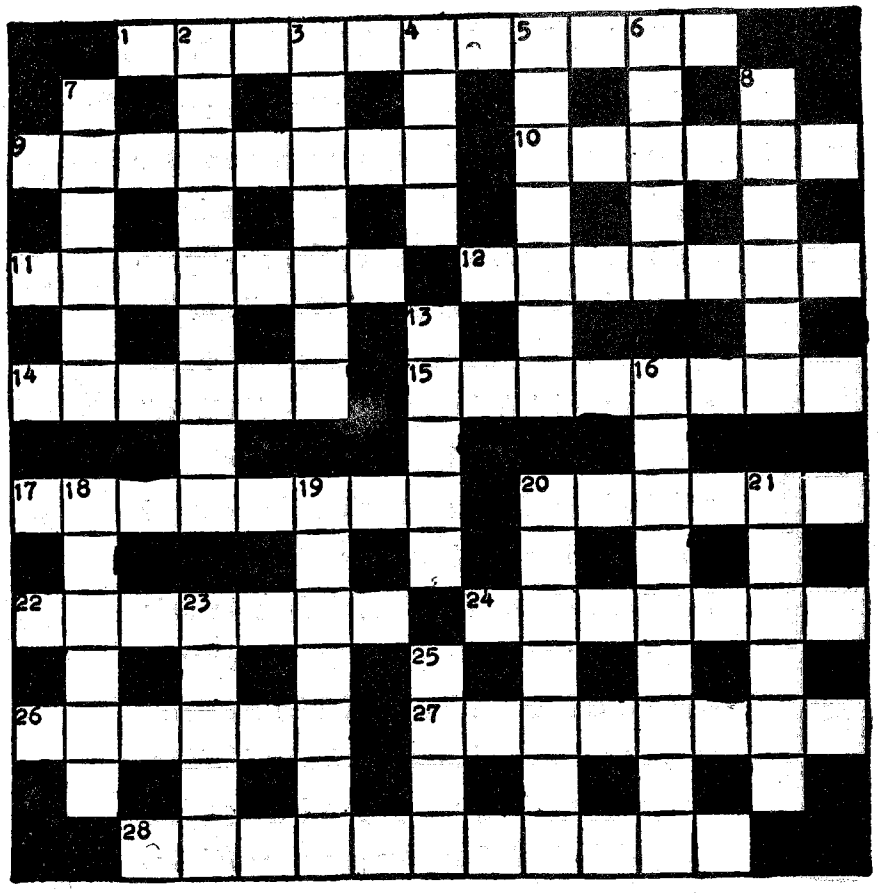
Crossword Puzzle No. 1018

By FRANK W. LEWIS



ACROSS:

1 Implying the choice between a circle and a ball shouldn't result in harmonious combination. (11)
9 How some might be carrying the hose? (8)
10 and 12 "Through the Looking Glass"? Or just 22 and 24? (6, 7)
11 Refuse to make this, since some consider it nonsense. (7)
12 See 10 across
14 Half of the first might be reputedly fair, but the rest is not wrong; altogether quite a ringer!
15 Is such a drug nice or not for the underweight? (8)
17 Where to find a panorama to disregard? (8)
20 It's rather large to be rested on a receptacle for ashes! (6)
22 and 24 Rather like 10 and 12, though some might consider it on the ball. (7, 7)
26 Get back, if you see it contorted in rage! (6)
27 Finished twice? No wonder such a combination isn't rare! (8)
28 Contemning's certainly not the way to get a shipment of it! (11)

DOWN:

2 Where things were hatched in the height of Fidel's domain? (9)
3 Conquest's wing was, according to Thomas Gray. (7)
4 See 13 down
5 Well-thought-of, but dead wrong about the turned-up edge of 3. (7)
6 There is lacking in Latin, if you want to get a word in! (5)
7 Bring in to something other than 1 across. (6)
8 Interrupt with a brass cue? (4, 2)
13 and 4 Does it go all to pieces with anger at the size of the commission? (9)
16 N.Y.C. and Toledo both contribute to a necessary part of the plant.
18 Turned away by Kipling's Danny, if disturbed. (6)
19 See 25 down
20 Truth is as impossible to be soiled by any outward touch as this, according to Milton. (7)
21 Climbing gear, built around something opposed to standard. (6)
23 Time to find someone responsible for romantic verse? (5)
25 and 19 Otherwise known as the air of a wise man, in a manner of speaking. (4, 2, 5)

SOLUTION TO PUZZLE NO. 1017

ACROSS: 1 Slave driver; 9 and 11 Fork lift; 10 and 28 Union jack; 12 Despots; 13 Instead; 15 Beheaded; 16 Sodden; 18 Balsam; 21 Riposted; 24 Domains; 26 Courage; 30 and 29 Coleridge; 31 Feather beds. DOWN: 2 Lake poets; 3 Vaulted; 4 Drip; 5 Innings; 6 Eclat; 7 Cohere; 8 Efface; 14 Adore; 17 Disgraced; 19 Atonal; 20 Minaret; 22 Proverb; 23 Engulf; 25 Ankle; 27 Edge.

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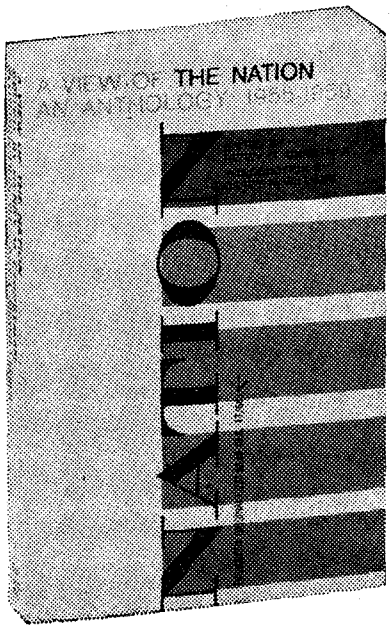

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